

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

June 19, 2006

PRESENT: Tom Cowan, Chairman
Terry Janicz
John Olaf
Andy Kelkenberg
Rick Meahl
Don Hoefler
John Potera
Christine Falkowski, Recording Clerk
John Good, Building Inspector

The Planning Board meeting was called to order by Tom Cowan at 7:30PM.

Site Plan Application – 11478 Main Road – Faith Fellowship Church

Pastor Dale Bartholomew attended. A new sanctuary was completed last year, which they now wish to expand with a 1600 sq. ft. addition used as foyer/classrooms. Greenspace at the entrance would be eliminated, but replaced with the creation of two landscaped islands. Four parking spots would be removed, but they still have plenty of parking. On June 16, 2006 Wendel Duchscherer completed their review of the site plan and drainage calculations. Wendel recommends approval, adding that any future development on the site will require review of a revised grading and drainage plan.

John Olaf motioned to recommend approval of the site plan dated June 9, 2006 to the Town Board, seconded by Andy:

Tom Cowan	-Aye
Terry Janicz	-Aye
John Olaf	-Aye
Andy Kelkenberg	-Aye
John Potera	-Aye
Rick Meahl	-Aye
Don Hoefler	-Aye

Right to Farm – presentation by Hans Moblius

Along with the Town Board, the Planning Board heard a presentation on the Right to Farm Law by Hans Moblius, Brett Kreher, Ron Snyder and _____ Brucker. He stated that the purpose is to provide an avenue for resolution of complaints against farming operations and to preserve the rural character of towns. A Resolution Committee acts as an arbitrator between parties in an attempt to resolve a matter prior to filing any court action. Erie County's law (Local Law No. 1-1999) is ineffective as there is no Resolution Committee. The Town of Clarence adopted their own ordinance (Local Law No. 14-2003); of which Mr. Moblius is a Resolution Committee member. In Erie County, 12 out of 27 towns have locally adopted this law. Fifty percent of Clarence is farmed. What is Newstead's percentage? Mr. Moblius strongly urged Newstead to follow suit.

Preapplication Conference – Site Plan/Special Use Permit – 5475 Barnum Road – Dog Kennel

Patrick Galla and Linda Leone appeared. They own a 7.24-acre lot at 5475 Barnum Road and 2.34 acres adjacent to it. Previously, the property was owned by Melissa Liddick, who planned on operating a canine boarding kennel. The parcel is zoned C-2, whereas kennels are only allowed in the RA Zone with a special use permit. Ms. Liddick received a use variance to allow the operation of a kennel and a special use permit. The kennel never became operational, although the permit was renewed annually. Eventually the property was abandoned by Ms. Liddick. Special use permits are not transferable from owner to owner. The Galla's submitted a preliminary sketch to operate a canine kennel, and to expand the property with a parking lot, pasture, barn (housing two horses), kennel building, outdoor runs, fenced outside run and a pond. The pond is shown overlapping both parcels, and they were advised that since ponds must be within the boundaries of one parcel, he may consider merging the parcels into one. They were also advised about the number of animal units allowed per acre. If they merge the two lots, they can have 6 animal units at 1,000 pounds each. When they dig their pond, the Galla's plan to share the topsoil with their neighbor. They were advised that they would need to apply for a pond/soil removal permit. They plan on having a separate septic system for the kennel waste, and were advised to contact the Erie County Health Dept. The Galla's were given a site plan packet, and advised to have a site plan drawn to scale, including potential signage, lighting, landscaping, etc.

Minutes Review

Terry motioned to approve the minutes of June 12, 2006 as amended, seconded by John Potera:

- Tom Cowan -Aye
- Terry Janicz -Aye
- John Olaf -Aye
- Andy Kelkenberg -Aye
- John Potera -Aye
- Rick Meahl -Aye
- Don Hoefler -Aye

Right-to-Farm Ordinance

Tom asked the Board to be ready to make a recommendation by the next meeting (July 17th).

The Dog House – rescinded their site plan application for a six-bay garage. Another letter addressing their zoning and code violations will be sent.

John P. made a motion to adjourn the meeting at 9:00PM, seconded by Terry and all approved.

Respectfully submitted,

Christine Falkowski
Recording Clerk